

**STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF:
PROPOSED AMENDMENTS TO
STANDARDS FOR INTERSTATE AND
INTRASTATE SURFACE WATERS,
20.6.4 NMAC**

No. WQCC 20-51(R)

**ORDER DENYING AMIGOS BRAVOS'
MOTION TO STRIKE LANL PROPOSAL [TO] TOXIC POLLUTANT DEFINITION**

Amigos Bravos filed a non-dispositive Motion to Strike on December 15, 2021 that requested the Hearing Officer to strike Triad National Security, LLC and the United States Department of Energy, National Nuclear Security Administration (collectively “LANL’s”) final proposed amendment to the definition of “toxic pollutant” at 20.6.4.7.T(2) NMAC, arguing that there was no evidence in the record to support LANL’s final proposed amendment, and that there was no opportunity to cross-examine LANL witnesses on the meaning and effect of the proposed rule change.

LANL filed a timely Response in Opposition, Amigos Bravos filed a timely Reply, and the Hearing Officer conducted a two-hour motion hearing on December 30, 2021 with the parties in attendance (NMED did not attend but filed a notice concurring with the Motion to Strike along with CCW-GRIP).¹

On January 5, 2022, LANL filed a Notice of Compilation of Evidence that satisfied the undersigned Hearing Officer’s request to provide citations to the record proper that supported the inclusion of LANL’s proposed rule change. Being otherwise fully advised in the matter,

IT IS HEREBY ORDERED that the motion to strike is DENIED, and the proposed rule change to 20.6.4.7.T(2) NMAC shall remain in the Hearing Officer’s Final Report and outlined in Attachment “A” for the Commission’s future deliberations.

By: Gregory Chakalian
Gregory Chakalian,
Hearing Officer

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Gregory Chakalian
Date: 2022.01.07
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¹ 20.1.6.207.F provides “[n]on-dispositive motions may be decided by the hearing officer without a hearing.”

Certificate of Service

I hereby certify that on January 7, 2022 a copy of the foregoing was emailed to the persons listed below. A copy will be mailed first class upon request.

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**Communities for Clean Water and
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